

FOOTSCRAY HOCKEY CLUB  
INCORPORATED

# CONSTITUTION

ADOPTED DECEMBER 7<sup>TH</sup>, 2008



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# Constitution

## 1. Interpretation

In this constitution, unless the contrary intention appears:

“The Board” means the Board of Directors of the Club.

“Financial Year” means the year ending the 30<sup>th</sup> of September.

“Member” means a Member of the Club.

“The Act” means the Associations Incorporation’s Act 1981.

“The Regulations” means regulations under the Act.

In these rules, a reference to the General Secretary of the Club, is a reference:-

- (a) Where a person holds office under these Rules as General Secretary of the Club, to that person; and
- (b) in any case, to the Public Officer of the Club.

## 2. Name of Club

The Club already formed shall be known as the Footscray Hockey Club Incorporated and shall be affiliated with such associations as exist for the development on hockey in Victoria.

## 3. Purposes of the Club

To provide and promote facilities and activities for Men’s, Women’s and Junior Hockey for all age groups within Footscray and neighbouring districts.

## 4. Club Colours

Club Colours shall be Red, White and Royal Blue. Alternative colours may be used when required.

## 5. Membership

### 5.1 Membership Requirements

A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and Annual subscription payable under these rules. The Association shall consist of the following classes of Members:-

- (a) Life Members: Members who have belonged to the club for a minimum of fifteen years and who have given special services to the club will be considered for Life Membership by the Board of Directors. One person each year may be recommended by the Board to the Members at the Annual General Meeting who may approve of that appointment. Life Members shall be entitled to all the privileges of the Club and shall have full voting rights but shall not be required to pay annual subscriptions.
- (b) Full Club Members: shall pay such subscriptions as is payable under these rules and shall be entitled to voting rights and shall be entitled to participate in all the activities of the Club other than playing in competition matches.
- (c) Playing Members:
  - (1) Playing Members eighteen years or over shall pay such subscriptions as is payable under these rules and shall be entitled to participate in all activities of the Club including playing in competition and social matches, voting at meetings, electing office bearers and attending social functions.
  - (2) Junior Members under eighteen years of age shall pay such subscriptions as is payable under these rules and shall be playing members of the Footscray Hockey Club Inc. and shall have the same right as Playing Members with the exception that they shall not consume, serve, be served or possess alcohol within the area controlled by the Club nor shall they have any voting rights.
- (d) Social Members: shall pay such subscriptions as is payable under these rules and shall be entitled to participate in all activities of the Club other than playing in competition matches. Social Members shall not be entitled to vote.
- (e) Honorary Members: persons possessing the following qualifications shall be eligible for elections as Honorary Members:-

Officials or Players of any club affiliated with Hockey Australian or Hockey Victoria which shall have been competing against the Footscray Hockey Club Inc. At the Club's sports ground on a particular day shall be eligible for election as Honorary Members of the Club for that day.

Honorary Members shall be elected by an Election Committee consisting of the General Secretary or some other person appointed by the General Secretary and one other member of the Committee. The General Secretary or their Appointee shall keep a record of such Honorary Members. Honorary Members shall not be required to pay a subscription and shall have no voting rights.

## 5.2 Application for Membership

- (a) A person who is not a Member of the Club at the time of the Incorporation of the Club (or who was such a Member at that time but has ceased to be a Member) shall not be admitted to Membership:-
  - (1) Unless He/She is nominated as provided for in sub clause "b";
  - (2) His/Her admission as a Member is approved by the Board.
- (b) A nomination of a person for Membership of the Club:
  - (1) Shall be made in writing in the form set out in Appendix 1; and
  - (2) Shall be lodged with the General Secretary of the Club
  - (3) Shall be referred to the Board as quickly as possible for their decision to approve or reject the nomination.
- (c) The decision of the Board is to be notified to the nominee within seven days of the decision having been made.
- (d) The General Secretary shall, following the nominations approved by the Board immediately enter the nominees name in the register of members kept by the General Secretary.
- (e) The completion of formal nomination papers by nominees under the age of seventeen years will not be required. These nominations will be presented to the Board verbally by the Director of the Junior Section.

## 5.3 Membership Fees

Each year the outgoing Board of Directors will present at the Annual General Meeting, a proposed schedule of Membership fees to be applied for the following year.

## 5.4 Membership Register

The board of Directors shall nominate one of its sectional administrators to keep and maintain an overall register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

## 5.5 Resignation of Members

Any member wishing to resign his/her membership may do so at any time. No such resignation shall relieve any member from the payment of any money due or payable by him/her to the Club. No Member retiring from the Club or ceasing for any cause to be a Member shall be entitled to or have any claim upon any portion whatsoever of the property of the Club.

## 6. Board of Directors

### 6.1 Operation

The affairs of the Club shall be Managed by a Board of Ten Directors.

### 6.2 General Duties

The Board of Directors:

- (a) Shall control and manage the business and affairs of the Club,
- (b) May, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those general meetings of the Members of the Club: and
- (c) Subject to these rules, the regulations and the Act, has the power to perform all such acts and things as appear to the Board to be essential for the proper management of the business and affairs of the Club.

- (d) Shall, in circumstances which are not, or are alleged not to be provided for in this constitution, determine in such manner as they shall deem fit and the decision of this and every question shall be final – except where otherwise provided for in this constitution.

### 6.3 Specific Roles

The Officers of the Club shall be:

- (a) Director – Men's Section Administration
- (b) Director – Ladies Section Administration
- (c) Director – Junior Section Administration
- (d) Director – Veterans Section Administration
- (e) Director – Finance
- (f) Director – Pavilion/Ground Management
- (g) Director – Bar/Kitchen
- (h) Director – Promotion/Fund Raising
- (i) Director – Social Activities
- (j) Director – Planning and Performance

### 6.4 Election of Office Bearers

At each Annual General Meeting the above mentioned positions shall be elected. Also elected at the Annual General Meeting, but not forming part of the Board of Directors shall be:

- (a) One Patron
- (b) Two Honorary Auditors
- (c) One Life Member (if recommended by the Board of Directors)
- (d) Five Trustees (elected from Life Members) – see 6.5
- (e) Three Players Representatives

And, provided that there are at least one third of the playing members from each senior section present and eligible to vote, there shall also be elected:

- (f) Two Men's Selectors (elected by Men's playing section)
- (g) Two Ladies Selectors (elected by Ladies playing section)

The Ballot for the election of the Board of Directors of the committee shall be conducted at the Annual General Meeting. Members eligible to vote for the Board of Directors shall be Life Members, Full Club Members and Playing Members eighteen years or age or over.

For the Annual meeting to proceed:

- (1) The requirements of section 8.3 Quorums must be met and
- (2) The total number of members within the categories Life Member, Full Club Member and Playing Member eighteen years or older, must comprise at least sixty percent of the total membership of the club.

Members of the Board of Directors of the Club shall be elected for a term of not less than 12 months.

#### Note:

At the first meeting of the incoming Board of Directors each year a 'General Secretary' shall be elected from amongst the sectional administrators to handle general club correspondence. Also at that meeting shall be elected a Public Officer to perform the statutory requirements of the association and a Chair Person for Board Meetings that year.

### 6.5 Tenure of Office / Vacancies

Any positions remaining vacant at the Annual General Meeting or arising as casual vacancies during the year, shall be filled by the Board of Directors.

All positions shall be held until the next Annual General Meeting, except Trustee positions which shall be held for five (5) years.

## 6.6 Removal from the Board

- (a) The club in general meeting may by resolution remove any member of the Board before the expiration of his term of office and appoint another member in his stead to hold office until the expiration of the term of the first - mentioned member.
- (b) Where the member to whom a proposed resolution referred to in sub - clause (a) make representations in writing to the General Secretary or Chair Person of the Club (not exceeding a reasonable length) and requests that they be notified to the members of the Club, the General Secretary or the Chair Person may send a copy of the representation to each member of the Club or, if they are not so sent, the member may require that they be read out at the meeting.
- (c) Any Director being absent from three consecutive Board of Directors Meetings shall, at the direction of the Board, be discharged from his/her position on the Board.

## 7. Meetings

### 7.1 Annual General Meeting

#### 7.1.1 Date

The Association shall in each calender year convene an Annual General Meeting of its Members. The Annual General Meeting shall be held on such day as the Board of Directors determines.

#### 7.1.2 Purpose of Meeting

- (a) Receive Annual Reports
- (b) Receive Financial Reports including Budget
- (c) Notices of Motion
- (d) Election of Office Bearers (refer 6.4)
- (e) General Business

### 7.2 Special General Meeting

#### 7.2.1 Date

Special General Meetings can be called at any time during the year by

- (a) The Board of Directors
- (b) The Club Members

#### 7.2.2 Purpose

To discuss matters which require major decisions by the Members.

### 7.3 General Board Meetings

#### 7.3.1 Date

- (a) The Board will meet at monthly intervals or as decided by the Board at its previous meeting.
- (b) The General Secretary upon request from any three members of the board shall call a meeting to discuss Club matters of importance.

#### 7.3.2 Purpose

- (a) Receive reports from officers.
- (b) Resolve financial matters.
- (c) Elect any casual vacancies.
- (d) General Business.

## 8. Meeting Procedure

### 8.1 Convening Meetings

### 8.1.1 Annual General Meeting

When directed by the Board the General Secretary shall send to all current Members over 18 years, seven clear days before the Meeting, a notice stating time, place and business to be transacted thereat.

### 8.1.2 Special General Meeting

By Board - when directed by the Board the General Secretary, shall send out to all current Members over 18 years, seven clear days before the Meeting, a notice stating time, place and business to be transacted thereat.

By Members - the General Secretary will convene a Special General Meeting of the Club within twenty - one days of receipt of written requisition of not less than one third of financial Members eligible to vote. Such Requisition must be signed by the requisitioner and set out the business to be brought up before such meeting and delivered to the General Secretary. The General Secretary shall convene the Meeting by sending to all the current Members over 18 years, seven clear days before the Meeting, a notice stating time, place and business to be transacted thereat.

If the General Secretary refuses to proceed to convene the meeting within twenty - one days of the receipt of the requisition, the requisitioner may themselves convene a Meeting by sending to all the Current Members over 18 years, seven clear days before the Meeting, a notice stating time, place and business to be transacted thereat. The Meeting must be held within two calendar months of date of requisition delivered to the General Secretary.

### 8.1.3 Board of Directors Meeting

- (a) At the conclusion of the previous Board Meeting a place, date and time shall be set for the next Board Meeting. All Board Members who did not attend the previous Meeting must be notified by the secretary of the place, date and time, forty - eight hours before the next Board Meeting. A copy of the minutes and action sheets are to be sent to all Board Members prior to the next Meeting.
- (b) Where three members of the Board request a Board Meeting, all Board Members must be notified by the General Secretary, of the place, date and time twenty - four hours before the Board Meeting can be held.

### 8.2 Notices of Motion

Notices of Motion pertaining to changes in the constitution must be lodged in writing to the General Secretary together with the names of the proposer and seconder not later than fourteen clear days before the Meeting at which it is proposed to have the motion put.

### 8.3 Quorums

The Quorums required for each are set out as follows:

- (a) At any General Meeting - 30 voting members or one third of the total voting Membership of the Club, whichever is the lesser Excluding Honorary Members, Social Members and Junior Members.
- (b) At any board meeting – Five Members

### 8.4 Voting

Voting at any General Meeting shall be by show of hands. A ballot may be called for if:

- (a) Three voting Members demand it; or
- (b) By request of the Chair Person.

A simple majority shall carry any motion. The Chair Person may vote as a Director, and in the event of a deadlock, may have the casting vote.

## 8.5 Nominations

Nominations for all positions on the Board and other elected positions will be accepted in writing by the General Secretary until the commencement of the Annual General Meeting signed by the Proposer and Secunder together with the nominees consenting signature. The Chair Person will call for further nominations from the floor of the Meeting prior to voting for any position.

## 8.6 General

- (a) Any Financial Member may attend Board Meetings but shall not vote or speak on any subject unless directed by the Chair Person. If the Board wishes to deal with any matter privately, the Chair Person has the power to exclude any non - executive Member.
- (b) At all meetings the rules of debate shall be followed.
- (c) Where the Chair Person is unable to attend any Meeting, a Chair Person will be appointed by the Meeting and the Chair Person shall have a casting vote only.

## 9 Financial Management

### 9.1 Director of Finance

The Club's Director of Finance shall:

- (a) Collect and receive all monies due to the Club and make all payments authorised by the Board;
- (b) Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club. (The accounts and books referred to here shall be available for inspection by Members) ;
- (c) Present items to the Annual General Meeting re : - Honorariums, Membership fees and Budget for discussion and approval / amendment. (refer 10.4)

### 9.2 Funds

The funds of the Club shall be derived from Membership Fee's Donations and such other sources as the Board determines.

### 9.3 Cheques

All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Board of Directors.

## 10 General

### 10.1 Company Seal

- (a) The Common Seal of the Club shall be kept in the custody of the General Secretary.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatures either of two Members of the Board or of one Member of the Board and of the Public Officer of the Club.

### 10.2 Custody of Records

Except as otherwise provided in these rules, the General Secretary shall keep in their custody or under their control all books, documents and securities of the Club, such items being available for inspection by Members.

### 10.3 Notices

- (a) A notice may be served by or on behalf of the Club upon any Member either personally or by sending it by post to the Member at his address shown in the Register of Members.
- (b) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been delivered in the ordinary course of post.

#### 10.4 Honorariums, Membership Fees and Budget

These items shall be presented by the Director of Finance and be discussed, approved and amended at the Annual General Meeting. Playing Member's Fees are to be paid in full prior to the Players first playing appearance. Any adjustments of these items owing to a player playing a part season (or any other cause) shall be determined by the Board. Any Honorariums to be paid shall be included in the budget, and may be increased or decreased each year depending on the financial status of the Club.

#### 10.5 Alterations to Constitution

The afore going constitution may be amended, altered, added to or rescinded in whole or part at a General Meeting of the Club by following the rules of Notice of Motion. (refer 8.2 )

#### 10.6 Alterations to the Statement of Purpose

The statement of purpose of the Club shall not be altered except in accordance with the Act.

#### 10.7 Dissolution of the Club

If upon winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities of any property whatsoever, the same shall not be paid or distributed among the Members of the Club, but shall be held in trust for a period of three years.

At the end of this time if the Club does not reform, all assets will be given or transferred to organisations involved in the promotion of Hockey in Victoria. This distribution will be determined by the existing appointed Trustees of the Club at the time of dissolution.

### 11 Rules required to comply with the Liquor Control Act and the Requirements of the Liquor Licensing Commission.

While and so long as the Association is the holder of any licence, permit or authority issued pursuant to any provision of the liquor Control Act 1987 or any amendment or re-enactment thereof, the following rules shall be Rules of the Association :-

#### 11.1 Payments

No payment shall be made to an officer, official or servant of the Association by way of commission or allowance from the receipts of the Association from the sale and disposal of Liquor.

### 12 Visitors

#### 12.1 Members Visitor

Visitors being invitees of the Members of the Association may be admitted to the licensed premises of the Association subject to the names and residential addresses of all such visitors being recorded in writing in a Visitor's Book to be provided by the Association and kept in a conspicuous position at the entrance to the Licensed premises. Each written entry shall be signed and dated by the Member who invited the visitor. A Member shall, subject to the approval of the committee, be entitled to invite visitors (excluding their spouse and children) on anyone day.

#### 12.2 Visitor Limited Licence

A visitor shall not be supplied with liquor on the premises unless in the Company of a member, providing that a visitor may be supplied with liquor on the Club premises when not in the company of a member at a particular function or occasion in respect of which a Limited Licence has been granted pursuant to Section 52 of the Liquor Control Act 1987.